

Sanctuary Advisory Council

Forty-fifth Meeting

May 18, 2006

10:00 a.m. to 3:00 p.m.

Honolulu International Airport

Inter-Island Conference Center

FINAL MINUTES

Attendance

Primary Council Members Present:

Bob Bruck, Marc Cline, Jim Coon, Liz Corbin, Bill Friedl, Lou Herman, Dave Hoffman, Becky Hommon, Kimokeo Kapahulehua, Eric Kingma, Marc Lammers, Teri Leicher, Sara Peck, Dick Poirier, Jeanne Russell, Glenn Soma, Mike Stanton, Cheryl Sterling, Terry White.

Alternate Council Members Present:

Joy Anamizu (for Cindy Barger), Duane Erway, Randy Farmer (for Mark Young), Hoku Johnson (for `Aulani Wilhelm), Elizabeth Kumabe, Barbara Nowak, Adam Pack.

Excused:

Cindy Barger, Athline Clark, Nancy Daschbach, Harold Lao, Jerry Norris, Terry O'Halloran, Don Thornburg, `Aulani Wilhelm, Chris Yates, Mark Young.

Others Present:

HIHWNMS: Dan Basta, Keeley Belva, Christine Brammer, Ed Lyman, Naomi McIntosh, Dam Midyett, Jean Souza, Susan Vogt, Jeff Walters, Paul Wong.

PUBLIC: JoAnn Belva, Emily Lundblad, Paul Newman.

Distributed Materials

- Meeting Agenda
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- Final Meeting Minutes (3/16/06)
- Action Item Report
- Sanctuary Manager's Report
- Sanctuary Co-Manager's Report
- Hawaii County Report
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- Maui County Report
- Conservation Committee Report

- Advisory Council Chairs Meeting Agenda and Notes
- News Article: "Hawaiian waters grow crowded with whales," Da Silva, A.
- NMSP Upcoming Events

Call to Order

The purpose of this meeting is to update the Council on activities from this year's whale season and continue planning efforts for next year.

Council Vice-Chair Jim Coon called the meeting to order at 10:00 a.m. and Teri Leicher, Council Secretary, took role and confirmed a quorum for the meeting.

Approval of Meeting Minutes

The Council voted to unanimously approve the meeting minutes from the Council's March 16, 2006 meeting.

Public Forum

Lee Tepley, Big Island resident introduced a video he produced with Duane Erway explaining why the Hawaii SuperFerry will be more of a threat to humpback whales than was originally thought. Dr. Tepley presented some of the concerns that the video addresses such as: the speed of the ferry, the lack of sonar, and past ferry collisions with similarly designed vessels.

Presentations

- Dan Basta, Director, National Marine Sanctuary Program—Mr. Basta began by announcing that every site in the program now has a Sanctuary Advisory Council. He explained what an accomplishment this was for the National Marine Sanctuary Program and stressed the importance of those members serving on the councils and how much they affect the goals and direction of the program. He then summarized some of the highlights from the Sixth Annual Sanctuary Advisory Council Chairs and Coordinators Meeting held at the end of April in Washington, DC, which he felt was a huge success. Mr. Basta continued to explain that the HIHWNMS Council has a very important role as one of the more mature councils of the program and thus could be a model for some of the newer councils. He also stressed the importance of this council responsibility to the public because people everywhere are interested in humpback whales and because Hawaii is the country's only ocean state. Mr. Basta also addressed some highlights for the National Marine Sanctuary Program (NMSP) including the designation process for the Northwestern Hawaiian Islands Reserve. He continued to explain the importance of this process and that the President has taken a personal interest in making it a marine protected area within the National Marine Sanctuary Program. He also informed the council that many Sanctuary sites will have management plans and draft environmental impact statements that will be made public in the next two years and that these processes have been underway for the last several years. There are also many events that are taking place in

the next few months relating to ocean conservation, including Capitol Hill Oceans Week and the Conference on Ocean Literacy. Lastly, Mr. Basta talked about the contents of a memo that was recently sent to NMSP staff encouraging them to seek alternate funding in light of recent budget shortfalls. **ACTION:** The memo from Dan Basta to NMSP Staff regarding alternate funding should be forwarded to the Council members. Council member Jeanne Russell asked how program funding is allocated, and if council members can make recommendations to how it is done. Mr. Basta explained that recommendations from the Council are welcome and the funding is allocated based on several things such as management plans and site needs.

- Allen Tom, Regional Coordinator, NMSP Pacific Islands Region—Mr. Tom gave two presentations. The first was an overview and update on the designation process for NWHI. The second was explaining a recent partnership between the Department of Defense and NOAA to map sites that may contain unexploded ordinance off the west coast of Oahu.
- Paul Newman, NOAA Office of Law Enforcement—Officer Newman provided the Council with a summary of efforts by NOAA OLE during the 2005-2006 humpback whale season. He summarized some of the complaints that his office received over the whale season. Sanctuary Manager Naomi McIntosh expressed her appreciation to NOAA OLE for providing staff funding to support enforcement efforts on Maui, an effort that the Sanctuary had partially supported in previous years.
- Ed Lyman, Sanctuary Marine Mammal Response Manager—Mr. Lyman provided an update on this season's SPLASH Research Effort. He reported that this year's effort was very successful and that the research teams were able to gather more information than in past seasons. Mr. Lyman also presented on other research efforts that the Sanctuary supported, which included obtaining video documentation for NOAA's Pacific Islands Regional Office of two injured calves and facilitating other research projects, involving some acoustics projects in Hawaii and American Samoa. In addition, Mr. Lyman summarized this year's disentanglement efforts and provided detailed accounts of two humpback whales that the Sanctuary disentanglement team successfully disentangled.
- Susan Vogt, NMSP Pacific Islands Region GIS Coordinator, and Emily Lundblad, Pacific Islands Benthic Habitat Mapping Center, Coral Reef Ecosystem Division GIS Specialist—Ms. Vogt explained that she and Ms. Lundblad had recently gathered GIS data aboard the NOAA Ship Hi'ialakai. Approximately 1,260 square km of bathymetric data was collected on the cruise, completing the seafloor mapping for over 85% of the Sanctuary. The data was added to a bathymetric synthesis, which is a collaborative effort begun by the University of Hawaii's Underwater Research Laboratory. In a collaborative effort, both Ms. Vogt and Ms. Lundblad have begun to look at the possible correlation between seafloor structures and whale sighting locations. The synthesized bathymetry data

was used to generate the slope, rugosity and complexity of the ocean floor, and the data will be compared to whale sighting data previously provided by Dr. Joe Mobley. Preliminary comparative results indicate that the majority of whale sightings occurred over areas of predominately flat, smooth surfaces at moderate depths. Ms. Vogt and Ms. Lundblad plan on continuing the analysis by refining the datasets being used, and by seeking advice from other marine mammal specialists.

Discussion on Reports and Updates

Chair's Report:

Council Vice-Chair Jim Coon asked the Council members to refer to the Action Item Report (see attachment 1).

Sanctuary Manager:

Naomi McIntosh submitted a written report (see attachment 2). Ms. McIntosh introduced recently hired Sanctuary staff members to the Council—Ed Lyman and Dam Midyett, Oahu Administrative Assistant. She then stood on her report.

Sanctuary Co-Manager:

Sanctuary Co-Manager, Dr. Jeffrey Walters, submitted a written report (see attachment 3). He stood on his report, but mentioned the large amount of news coverage the Sanctuary had during the whale season.

Hawai'i County:

Sara Peck, Hawaii County Representative, submitted a written report (see attachment 4). Teri Leicher mentioned that West Hawaii Coordinator, Justin Viezbicke, recently participated in planning an Earth Day event in Kona.

Honolulu County:

Bill Friedl, Honolulu County Representative, submitted a report (see attachment 5).

Kaua'i County:

Don Thornburg, Kauai County representative was excused and did not attend the meeting.

Maui County:

Cheryl Sterling, Maui County Representative, submitted a written report (see attachment 6). Ms. Sterling talked about recent "Letters to the Editor" that have been published in *The Maui News* from Maui County folks who were concerned about the vessel whale interactions. She also mentioned that Peter Young, Director of the Department of Land and Natural Resources, is very supportive of making the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve a UNESCO World Heritage Site.

Conservation Committee:

Lou Herman, Conservation Committee Chair, said that the Conservation Committee submitted a written report containing recommendations on ship strike mitigation measures from a joint Conservation and Research Committee meeting (see attachment 7). **ACTION:** Dr. Herman made a motion for the Council to accept the Committees' recommendation on ship strike mitigation measures and it was seconded by Glenn Soma. The Council approved these recommendations unanimously. Dr. Herman also briefly reported on the Conservation Committees' review of a request by Dennis Fitzpatrick of the Pump Don't Dump Group during the March Council meeting. Dr. Herman provided the Council with a copy of the letter that was sent on June 2, 2005 to Mr. Peter Young, which addressed the Conservation Committees' support for providing better pump out facilities at State small boat harbors. The Conservation Committee maintains its position stated in this letter.

Research Committee:

Marc Lammers, Research Committee Chair, said that in addition to the work with the Conservation Committee, he had attended a marine mammal acoustics seminar. There he discussed far-reaching sonar with a company called FarSounder and asked the representative to be available to discuss the issue with the SAC. Dr. Lammers also reported that he and Research Alternate Adam Pack have also been working to update the vessel-collision research paper that they published in 2003.

Education Committee:

Jeanne Russell, Education Committee Chair, did not submit a report, but told the group about her experience aboard the NOAA Ship *Hi'ialakai* Education Cruise that took place in April. She felt like it was a very worthwhile experience for the high school students and teachers that participated in it. Adam Pack added that the Dolphin Institute has an internship/education program for high school students.

Program Development Committee:

No report was submitted.

Aquaculture Working Group:

Mike Stanton, working group chair, submitted recommendations for the Council's review under "New Business."

SAC Composition and Participation Working Group:

Dick Poirier, working group chair, had nothing to report for this meeting.

Unfinished Business

- Proposed Rulemaking for Spinner Dolphins—Marc Lammers explained the background of the advance notice of proposed rulemaking for Spinner

Dolphins. He said that the Research and Conservation Committees met jointly to discuss the Committees' position. Dr. Lammers submitted a draft position statement to the Council to discuss (see attachment 8). **ACTION:** The Council asked the Council Coordinator to distribute the draft position on proposed spinner dolphin rulemaking to the whole council for their comments and consideration at the next meeting.

New Business

- Aquaculture Working Group Recommendations—Working Group Chair, Mike Stanton, made a motion to accept the recommendations on aquaculture facilities in the Sanctuary (see attachment 9) motion carried unanimously.

Public Forum

No comments were given at this time.

Announcements

- 2007 SCHEDULE—The Council members requested to have the meetings on Wednesdays, instead of Thursdays, if the airport conference facilities are available due to the lack of available parking at the airport on Thursdays. The tentative schedule for 2007 is: Council Retreat December 7 & 8 (2006), January 17/18, March 14/15, May 16/17, September 19/20.

Adjournment

Council Vice-Chair, Jim Coon, adjourned the meeting at 3:00 p.m.

Sanctuary Advisory Council 2006 Action Item Report

ACTION: Marc Lammers will draft a position paper regarding the spinner dolphin regulations for the Research and Conservation committees to review. He will present it for the council's comments at the May council meeting. (3/16/06)

Status: Marc will work on drafting the paper. (4/7/06)

ACTION: Marc Lammers and Terry O'Halloran (and others) will have a discussion on Acoustics before the discussion at the Advisory Council Chairs and Coordinators Meeting. (3/16/06)

Status: This topic was discussed during the Executive Committee Call on 4/7/06.—COMPLETE

ACTION: The Conservation Committee would address concerns about the lack of pump-out facilities in small boat harbors. (3/16/06)

Status: Keeley will email the Conservation Committee the letter that was written by the council regarding pump out stations. Naomi will provide the committee with an update from the Sanctuary. The committee will develop a response to Pump Don't Dump. (4/7/06)

ACTION: The council chair will send a letter to government agencies reminding them to send a representative or an alternate to the council meetings. (3/16/06)

Status: Keeley will work to draft a letter for Terry to send out. (4/7/06)

ACTION: The SAC members asked to form a committee that would assess the effectiveness of the current membership structure of the Council. (1/12/06)

Status: The committee reported to the council and asked the chair to send a letter to the government agencies regarding representation. (3/16/06)—COMPLETE

ACTION: The SAC Chair asked to establish a fundraising working group. (1/12/06)

Status: A call with the director of NMSF, the SAC Chair, and Sanctuary staff was held on 27 February 2006.

ACTION: The conservation committee should address these concerns regarding pump-out facilities. (1/12/06)

Status: The committee met prior to the SAC meeting and will report their findings (3/6/06).—COMPLETE

ACTION: To form a working group to gather information on aquaculture, that would identify concerns, and develop recommendations. The group will give an initial report to the SAC by May. (1/12/06)

Status: The working group is discussing its options and developing a work plan. (1/30/06)

ACTION: It was requested to invite a representative from NOAA General Council to a future meeting to give a presentation regarding information on vessel strikes. (1/12/06)

Status: Paul Ortiz, NOAA General Council representative, was invited to attend the May 18th meeting, but could not attend due to a scheduling conflict. He was also invited to a Council meeting in the future. (5/15/06)

Attachment 2

Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council Manager's Report May 18, 2006

Council Updates

I. SAC Executive Committee Meeting

The Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council executive committee held a conference call meeting on Friday, April 7th. The purpose of the meeting was to plan for the council's May 18th meeting and to discuss topics related to the Sanctuary Advisory Council Chairs and Coordinators Meeting

SAC Chairs Meeting

Education and Outreach

II.

III. **Ocean Count - Volunteers Count Whales from the shores of O'ahu, Kaua'i, and the Big Island.**

IV. *More than 500 volunteers gathered data from the shores of O'ahu, Kaua'i, and the Big Island at the annual Hawaiian Islands Humpback Whale National Marine Sanctuary Ocean Count to tally sightings and document surface behaviors of the endangered humpback whales. The March 25th count was the last Ocean Count for this whale season. Volunteers collected data from 62 sites statewide. The numbers listed represent the average number of whales sighted per 15-minute count period on each of the islands. Despite severe weather around the state over the past few weeks, the weather cleared for the count. Overall – 2 whales (includes all participating islands), O'ahu – 3 whales, Kaua'i – 2 whales, Big Island – 1 whales.*

Working with volunteers

On Saturday, March 11, Kauai Programs Coordinator Jean Souza and outreach assistant Sheri Knapp conducted a 2-hour training session about humpback whales and the sanctuary for 30 volunteers and staff at Na Aina Kai Botanical Garden. Many of the volunteers are new to Hawaii and had very little previous knowledge about humpback whales and the sanctuary. The training of these volunteers is part of an ongoing effort to improve the knowledge level of volunteer interpreters at most of the coastal gardens, refuges, and parks around Kauai

V. Volunteer Appreciation Dinner

The Maui site held a Cinco de Mayo volunteer appreciation dinner for dedicated sanctuary volunteers. Ed Lyman, the Sanctuary's rescue coordinator gave an update to volunteers on the sanctuary's rescue program. Volunteer assist the sanctuary with a variety of tasks throughout the year and many efforts on Maui would not be possible without the help of the volunteers.

Sanctuary provides outreach at Career Day in Waimanalo

Oahu Programs Coordinator Christine Brammer and NOAA Marine Debris Regional Outreach Coordinator Carey Morishige worked together to provide a presentation on Hawaii's marine protected species and the threats to them and related careers at the Waimanalo Elementary and Intermediate school's career day. Four separate presentations were given to approximately 80 students throughout the morning. In addition to the sanctuary and the NOAA Marine Debris program, other NOAA agencies that were involved included the Tsunami Warning Center and NOAA Corps.

VI. Sanctuary targets information to map distributors

The sanctuary distributed a targeted mail out to government and non-government organizations notifying them of the availability of geographic information systems data for free download. Organizations were asked to consider including this data of the sanctuary's boundaries in new publications or on maps that they may be developing. An additional mail out will also be done to offer this information to tourist publications.

VII. Sanctuary conducts education cruises on Oahu and Kauai

Sanctuary staff partnered with the NOAA research vessel Hi`ialakai to offer education cruise off the islands of Oahu and Kauai for three days during the week of April 24th. The sanctuary staff worked closely with the Hi`ialakai to provide a (3) full days of marine science activities for 90 students and teachers from both islands.

VIII. Sanctuary participates in Hawaii Boat Show

Science and Rescue

IX. Final tally of vessel whale interactions for the 2005/2006 whale season

This year there have been five documented whale-boat collisions in Hawai'i, four off Maui and one off Kaua'i. A 6th collision was reported to the NOAA Fisheries Hotline over the March 25th weekend and is currently being investigated by NOAA's Office of Law Enforcement.

X. Sanctuary responds to another report of an entangled whale

Hawaii's whale disentanglement team, led by HIHWNMS staff, responded to another entangled humpback whale on Friday, March 31, off the western (Kona) coast of Hawaii Island. The sanctuary's West Hawaii coordinator, Justin Viezbicke, located the whale and attached a VHF radio-tracking beacon to rope trailing the animal, after consultation with Ed Lyman, sanctuary rescuer coordinator, and David Schofield, NOAA Fisheries Pacific Islands Region marine mammal response coordinator. The radio beacon was attached to keep track of the animal, since there was not enough time to get the full response team out to the whale before nightfall. Sanctuary staff on Maui, Oahu and the Big Island used VHF receivers to listen for the radio beacon all weekend, but picked up no signal. Radio monitoring will continue, and a full disentanglement response will be mounted, if the whale is found in a location safe and appropriate for the response. The

network has already disentangled two humpbacks during this humpback season (Nov through May in Hawaii).

XI. Sanctuary participates in International Humpback Whale Workshop

David Mattila, attended the International Whaling Commission sponsored special workshop advancing the Comprehensive Assessment of Southern Hemisphere Humpback Whales, held in Hobart Tasmania, at the offices of the Australian Antarctic Division. David was representing sanctuary work with humpback whales in American Samoa, sponsored by the Fagatele Bay National Marine Sanctuary. This population is a part of the Oceania breeding grounds, which is of special concern given a recent proposal to hunt humpback whales in the Antarctic under a Scientific Permit.

Partnerships

XII. NOAA Fisheries Protected Resources and Sanctuaries Partnership

Naomi McIntosh, Sanctuary Manager and David Mattila, Science and Rescue Coordinator participated in the NOAA Protected Resources and Sanctuaries Partnership call Thursday, March 30 to discuss the status of regional collaborative project activities, planning for regional meetings in FY07, and to determine what efforts can be accomplished with the FY06 budget.

Sanctuary/NOAA Fisheries discuss vessel whale collisions

Naomi McIntosh, David Mattila and Jeff Walters, Sanctuary Co-manager participated in a call with the Pacific Islands Regional Office and NOAA Office of Law Enforcement to discuss the recent vessel whale collision incidents that have been reported and documented in Hawaii.

XIII. Conservation International holds Seascape Science Workshop in Hawaii

Naomi McIntosh participated and presented at Conservation International's Seascape Science Workshop that was held at the Hawaii Institute for Marine Biology at Coconut Island on Oahu. Workshop topics focused on marine protected area design and management, twilight zone science, fisheries, marine protected area monitoring and species-specific conservation.

XIV. Sanctuary State office provides support for monk seals on Kauai

Kauai Marine Conservation Coordinator, Dr. Mimi Olry, is monitoring a new Hawaiian monk seal pup born last weekend on a remote beach along the northeast shore of Kauai. She's working with the coastal property owner to ensure the mother and pup remain undisturbed by beach goers and pets for their six week nursing period. This is the first known seal pup born on Kauai in 2006. Sanctuary staff have been active in conserving the endangered Hawaiian monk seal for several years, especially on Kauai. Last September, the sanctuary successfully managed a "pupping event" at a crowded Kauai beach fronting several resort hotels and condos, where hundreds of volunteers staffed a seal education and protection booth in coordination with NOAA Fisheries, state and county governments, and the resort property managers.

XV. NOAA in Hawaii Meeting

On April 11th and 13th Naomi McIntosh attended the NOAA in Hawaii meeting that took place in Honolulu. The meeting was an opportunity to familiarize agency representatives on the diverse activities taking place throughout Hawaii. On Thursday, David Mattila gave a presentation on recent humpback whale research and rescue efforts taking place in the Sanctuary.

XVI. Sanctuary contributes to NOAA Fisheries report on Melon-headed whales

Jean Souza is assisting NOAA Fisheries and the Hawaiian Islands Stranding Response Group in finalizing a NOAA Fisheries report on the near-stranding of 150-200 melon-headed whales in Hanalei Bay in July 2004

Newest Geodetic Marker Dedicated in Hawaii

Hawaii's newest geodetic survey marker was dedicated on Saturday, May 6, at the northernmost location in the main Hawaiian Islands overlooking the Kauai portion of the Hawaiian Islands Humpback Whale National Marine Sanctuary. Representatives from the agencies that collaborated in the design, fabrication, and installation of the geodetic marker placed a flower lei around the marker and conducted a short ceremony celebrating its dedication. About 50 visitors and residents were on hand during the ceremony featuring Michael Mitchell of the Kilauea Point National Wildlife Refuge, Edward Carlson of the NOAA's National Geodetic Survey, and Jean Nishida Souza of NOAA's Hawaiian Islands Humpback Whale National Marine Sanctuary. This event coincided with Lighthouse Day, celebrating the 93rd anniversary of the Kilauea Point Lighthouse. Fifth grade students from Kilauea Elementary School and Kalaheo Boy Scout Troop 270 helped the public learn more about locating, navigating, and using global positioning systems (GPS). Ed Carlson and Jean Souza provided Pre-event instructions to students and scouts during two weeks preceding the event.

Miscellaneous

Sanctuary begins budget planning for Fiscal Year 2007

Sanctuary management held a meeting on March 21st with program managers to begin planning for the FY07 budget and to begin exploring proposals and program impacts under the various projected budget scenarios.

On March 22, Naomi McIntosh and Paul Wong, Operations Coordinator participated in a meeting with the Pacific Islands Region to begin exploring cross-cut opportunities for FY07 for collaboration amongst the region and the sites.

Naomi McIntosh and Paul Wong attended a Pacific Islands Region meeting on Wednesday, April 12th. The purpose of the meeting was to identify what opportunities were available for cross-cutting activities throughout the region.

XVII. HIHWNMS Maui Site Closed

On Tuesday, March 28, 2006 the Hawaiian Islands Humpback Whale National Marine Sanctuary's Maui office and education center was evacuated after workers found two large artillery shells lodged in rocks of the fishpond wall adjacent to the site. People

were allowed to return to the area later that afternoon, when it was determined that the rusted foot-long shells were approximately 30 years old and not explosive.

XVIII. All Hands Meeting

The sanctuary staff held their annual all-hands meeting on Maui. The day-long meeting included information on current events, issues, and budget scenarios as well as an activity on risk assessment. In addition to the meeting the staff also had the opportunity to take part in a Native Hawaiian Cultural fieldtrip which including outrigger canoe paddling as well as a cultural discussion and activity at the Native Hawaiian fishpond which sits adjacent to the sanctuary's property on Maui.

XIX. Construction Continues

Construction of the new sanctuary learning center continues and last week a traditional Hawaiian blessing ceremony was held with the purpose of the blessing was being to ensure safe working conditions for the construction crew.

XX. Community Workshop Held

The Coral Reef Alliance conducted two evening sessions at the Maui site with about 40 community members. The group learned how to develop community project ideas and then were given the opportunity through the Alliance to develop RFP's to help fund some of the ideas. It was a very stimulated group that was excited to be able to see how some community based ideas could actually become a reality.

AP News Release Generates Nationwide Coverage of Hawaii Whale Collision Issue

The outreach and conservation efforts of the Hawaiian Islands Humpback Whale National Marine Sanctuary were featured in a May 7, 2006, AP press release about recent vessel-whale collisions in Hawaii. The article discussed the record number of collision reports that were received this humpback season and quoted Ed Lyman, Sanctuary Rescue Coordinator, and Jeff Walters, Sanctuary Co-Manager regarding rescue response and collision-avoidance outreach efforts. The story ran in papers across the country, including the New York Times, Washington Post, and Chicago Sun Times. The Sanctuary received numerous emails from concerned citizens asking that more be done to address the issue.

Attachment 3

May 16, 2006

MEMORANDUM

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS)

From: Jeff Walters, Sanctuary Co-Manager, Hawaii Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR)

Subject: HIHWNMS state office update for the period of March 16 through May 15, 2006 (Prepared for the May 18, 2006, Council meeting).

Entangled Whale Response

Hawaii's whale disentanglement network, coordinated by NOAA PIRO and supported by NOAA and DLNR sanctuary staff responded to numerous calls this season. West Hawaii coordinator, Justin Viezbicke, was a busy network member, since many of the entanglement reports originated off the Big Island this year. Working with support from DLNR-DAR, whale researchers Christine Gabriele, Suzanne Yin, and others, Justin placed VHF tracking beacons on two entangled whales off the Kona and Kohala coasts this season. One of these whales was tracked and eventually disentangled off Maui by sanctuary rescue staff. The other entangled whale that Justin "tagged" was tracked for a while, but never relocated. A full wrap-up of this year's disentanglement efforts will be provided by Ed Lyman, the sanctuary's rescue coordinator.

The state sanctuary office submitted two grant applications over the past two months seeking funding support for future disentanglement response. One application to a NOAA marine debris grant program has already been denied, but another application submitted to the National Marine Sanctuary Foundation's Hollings Grant Fund is still under consideration. Ed Lyman greatly assisted the state office in the preparation and submittal of these applications.

Vessel-Whale Collision Response

With at least six confirmed collisions, and two calves seriously injured, this has been an active time for vessel-whale collision response. NMFS PIRO, NOAA Sanctuaries, DLNR DAR, and the state sanctuary offices maintained frequent communications throughout the season regarding the numerous collision reports. These agencies also coordinated regularly on media communications after each collision report. Maui-based DLNR-DAR staff, Russell Sparks, assisted in the field response to the collision report off Maui on March 15. The injured calf was presumed to be hit by a vessel based on the injuries it sustained to its scapular area and pectoral fin. NMFS PIRO is expected to soon provide a general summary of this busiest ever collision season.

Boater Outreach for Collision Avoidance and Approach Rule Compliance

The various vessel-whale collisions this season generated a great deal of news media coverage, which provided numerous opportunities to disseminate the sanctuary's collision avoidance messages and guidelines. There have been more than two-dozen TV news and newspaper stories on vessel-whale collisions since the beginning of this

season. Many of these stories featured quotes and/or statements from sanctuary staff regarding ways to reduce collision risks and the importance of reporting collisions if they occur.

The boater outreach and conservation efforts of the sanctuary were most recently featured in a May 7, 2006, AP press release about this season's vessel-whale collisions. The article discussed the record number of collision reports that were received this humpback season and quoted Ed Lyman, sanctuary rescue coordinator, and Jeff Walters, sanctuary co-manager regarding rescue response and collision-avoidance outreach efforts. The story ran in the Honolulu Star Bulletin and KGMB did a TV news story on the issue, which included some on camera remarks by sanctuary co-manager, Jeff Walters. The AP story also ran in numerous papers across the country, including the New York Times, Washington Post, and Chicago Sun Times.

Co-Manager, Jeff Walters, gave a presentation on vessel-whale collision avoidance guidelines and provided a humpback season update to the regular membership meeting of the Hawaii Ocean Safety Team (HOST) on April 20, 2006. Approximately 50 people from Oahu's commercial and recreational boating community attended the meeting at the Hawaii Maritime Technology Training Center on Sand Island. HOST, with a wide variety of members, including commercial shippers and the US Coast Guard Auxiliary, is a key partner in the sanctuary's ongoing boater outreach effort.

Finally a grant application for funds to support boater outreach efforts was submitted recently to the National Marine Sanctuary Foundation's Hollings Grant Fund. Funds were requested to support additional signage and other outreach and education products for dissemination statewide.

Education and Outreach

Hawaii Island

West Hawaii coordinator, Justin Viezbicke, was involved with the following education and outreach activities on Hawaii Island over the reporting period:

- March 23 - Presented Humpback Whale powerpoint to 60-70 kids at Kealahou Junior high. Presentation focused on life history of humpback whales and ways that we as people can continue to protect and enjoy their presence in Hawaii.
- April 19 - Presented powerpoint on Humpback Whale sanctuary history/vision/ and current threats to humpbacks at the Coral Reef Alliance meeting held in Kona.
- April 20 - Presented elementary humpback whale powerpoint with lots of great photos and videos to 25 third grade students at Kahakai elementary. Presentation focused on life history, anatomy and behaviors seen in Hawaiian waters.
- April 22 - Participated in 6th Annual Coral Reef Awareness Day at Kahaluu beach park. Helped with organizational and prep work prior to the event as well as participated with an educational booth focusing on humpback whales and sustainable resources.
- April 28 - Presented elementary humpback whale powerpoint with lots of great photos and videos to 3 third grade classes (75 students) at Kahakai elementary. Presentations focused on life history, anatomy and behaviors seen in Hawaiian waters.

April 25 - Participated in the Hiialakai educational cruise on Oahu and Kauai. My station was the sediment study in which we had students looking thru sediment with digital microscopes as well as discussing the importance of the sediment in the big picture.

May 1 - Presented elementary humpback whale powerpoint with lots of great photos and videos to 2 third grade classes (50 students) at Kahakai elementary. Presentations focused on life history, anatomy and behaviors seen in Hawaiian waters.

Kauai

The state's Kauai coordinator, Mimi Olry, was involved with the following education and outreach activities on Kauai over the reporting period:

March 8 - Gave powerpoint presentation about the natural history and biology of HMS and conservation efforts on Kaua'i as well as NOAA and state regulations.

March 14-16 - Gave updated reports/ powerpoint presentations for the attendees of the NOAA Main Hawaiian Islands Monk seal meeting about dehooking events, pupping on popular beaches and volunteer network development.

April 12 - Gave powerpoint presentation about HMS biology, behavior and conservation for the Po'ipu Rotary Club.

Mimi also served for 3 months on the Steering Committee for the first annual Kauai Conservation Conference. At the conference on May 12, Dr. Olry presented a poster for monk seal conservation and provided handout information.

Cetacean Stranding, Entanglement and Vessel Collision Response

West Hawaii coordinator, Justin Viezbicke, collected a deceased spinner dolphin on the Kohala Coast on April 5. Justin sent the dolphin on ice to Oahu for necropsy. The cause of death was not determined at the time of this report.

The Hawaiian Islands Stranding Response Group (HISRG), the main non-government stranding response organization in Hawaii, recently announced that it would be dissolving its organization. The loss of this group will have significant impacts on cetacean stranding response in Hawaii, and the state sanctuary office is currently in discussions with NMFS PIRO, NOAA NMSP, and other organizations to determine the best way to proceed.

Vessel Management

With the end of research activities off Maui, the sanctuary's R/V Manacat returned to Oahu on May 5th. David Nichols assisted with coordinating trailer repairs and transporting the vessel to the state DLNR Anuenue Fisheries Research Center lot on Sand Island. David also assisted Captain Norm Garon with the May 17th NOAA fleet inspection and sea trial of the Manacat.

Open Ocean Aquaculture Projects

West Hawaii coordinator, Justin Viezbicke, continued monitoring whale abundance and distribution around the Kona Blue Water cage culture site and a nearby control area. He also conducted a snorkel survey of the structure in mid April.

The co-manager has heard second hand reports that two new open ocean cage culture projects will soon be proposed in Hawaii, one near Maui and one off the Kona Coast of Hawaii Island. We look forward to discussing these and any other proposed projects with the Council and the project applicants as soon as possible.

Monk Seal Conservation – (conducted with funding and oversight from NMFS PIRO PRD)

The state's Kauai coordinator, Mimi Olry, DVM, continues her daily responses to monk seals hauled out on Kauai's popular beaches. Mimi has already monitored three new seal pups born on Kauai in 2006, all fortunately born on relatively remote beaches where managing the situation is not as difficult as it can be in crowded areas. The first-born pup was observed to be weaned on March 16. DLNR and PIRO staff have also been in discussions with Kauai resident Mr. Larry Bowman of Falco Partners, LLC, regarding a significant monetary donation Mr. Bowman would like to make to support monk seal conservation efforts on Kauai. Funding is being discussed for signage, short-term "start-up" staff support, and a response new vehicle.

On the Big Island, Justin Viezbicke, the sanctuary's West Hawaii coordinator, has been working with NMFS PIRO to set up monk seal volunteer recruitment and informational meetings in Kona and Hilo scheduled for the last week in May.

Research

David Nichols, the state's marine conservation specialist, continued to administer the last round of SPLASH research funding for field research activities in Hawaiian waters. Work associated with the seven research awards is now winding down as the whales depart for another summer season.

Other Activities, Meetings, Etc.

- 1) Mar 21 – Walters and Viezbicke attended an annual operating plan development meeting at the Hawaii Jai Office.
- 2) Mar 22 – Walters met with Jayne LeFors, NMFS PIRO, re DLNR's initial application for an ESA Section 6 cooperative agreement regarding conservation of Hawaii's marine endangered species.
- 3) Mar 24 – Walters attended BLNR meeting re NMFS PIFSC application for monk seal research activities in the NWHI.
- 4) Mar 30 – Joined meeting in Chair's office with DLNR and NMFS staff re NWHI monk seal research permit application.
- 5) April 10 – Attended briefing at WESPAC re upcoming coral reef ecosystem fishery management plan team meeting.
- 6) May 4 – All four state staff attended the sanctuary's all hands meeting on Maui.
- 7) May 9 & 11 – Walters participated in six interviews for the contract management plan coordinator position.
- 8) May 12 – Walters attended the BLNR meeting re USFWS wildlife grant contract amendment item.
- 9) May 15 – Walters joined NMFS PIRO staff in conference call re EIS preparation for proposed new spinner dolphin protection regulations.
- 10) May 15 – Walters attended DAR staff meeting re new office space on Kauai.

cc: Peter T. Young, DLNR Chairperson
Robert K. Masuda, DLNR Deputy Director

Dan Polhemus, DLNR-DAR Administrator
Allen Tom, NMSP Pacific Islands Regional Coordinator
Naomi McIntosh, HIHWNMS Sanctuary Manager

Attachment 4

**Hawaii Island County Report
8 September 2006
Sara Peck, Representative**

Accomplishments:

1. Threewo ReefTalks was held in West Hawaii in March Mark Deakos talked to a packed house about whale behavior and thrilled the audience with unusual film footage. In April Carolyn Stewart presented a thorough and very timely coverage of watershed and floodway management for the Waimea area. In May a presentation by Leimana Damante discussed the Hawaiian traditional ahupua'a management as a better marine ecosystem management tool.
2. Three Kawaihae Local Resource Council Meetings were held one per month in March, April and May. Major topic of concern continues to be Kawaihae Harbor congestion and multi-use issues as future traffic activity increases.
3. Held 3 ReefWatcher trainings, all on the Kona side. Focused on resort staff of participating resorts and updating already trained ReefWatchers. Also trained ReefTeachers to begin another cadre for Kahalu'u.

Events Attended: All of the above listed under Accomplishments.

- >Two West Hawaii Fishery Council (WHFC) meetings March and April..
- > Advisory Board Meetings for the Kona Soil and Water District, Reef Fund, Chamber of Commerce Environmental Committee.
- > April 22nd the Earth Day celebration was noted by the Sixth Annual Coral Reef Awareness Day at Kahalu'u Beach Park. Fourteen organizations participated in providing educational learning games and activities for families. Once again very nice prizes were donated by many diving/ocean recreation manufacturers, charter operations. The Humpback Whale National Marine Sanctuary's Justin V, and his volunteer Nan Howell provided an activity and prizes.

Hot Topics:

WHFC: HAR Rule Package Follow-Up continued. Spear Fishing with SCUBA
Kawaihae LRC and Big Island West Side: Super Ferry, Kawaihae Harbor Plans
West Hawaii In General: Traffic, rapid development/expansion lacking infrastructure to support the fast-paced changes.

Attachment 5

May 18, 2006

MEMORANDUM

To: Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council

From: Bill Friedl, Honolulu County Council Representative

Subject: County Representative Report

In March, I participated in the third and final Ocean Count at Waimanalo Beach Park.

In April, I provided Dr. Lammers with information from Dr. Robert Gisiner at the Office of Naval Research regarding whale sensing from high-speed vessels. ONR has supported wide-ranging research and development for ocean sensing for many years; recent efforts have emphasized sensing marine mammals on near-shore ranges and in offshore operational areas. The technical problem involves obtaining highly accurate whale location information during the vessel's transit and, therefore, "record-and-report" instrumentation (such as acoustic pop-up buoys) are unacceptable. Dr. Gisiner also commented on several other potential technical approaches, including active and passive acoustics, radar sensing, and UAVs.

- Surface-moored devices that could radio-telemeter data in real time to the vessel seems to make sense, but would likely come with a very high cost for equipment, installation, operation and upkeep.
- Potentially suitable directional acoustic sensors and demultiplexer systems are emerging from recent R&D efforts. These systems give directionality but do not require a large sensor array. They are not "off the shelf" technology yet, however.
- The radar-based sensing system that Arete' is developing has promise; it has been tested from shore on humpbacks at PMRF and from ships in the Mediterranean. The signal processing and display technologies are still in development, however, but sensor costs are low because the system uses standard shipboard radars. The system works day and night, in all but the heaviest rain, and provides 360-degree, real time coverage in a familiar format.
- Airborne sensors offer another possibility to use the visual spectrum, infrared or other sensors to monitor the area ahead of the vessel. Recently, a company called Advanced Ceramics conducted a demonstration for NOAA of an unmanned aerial vehicle (UAV) to detect drifting or entangled fishing gear. Future monitoring for NOAA is possible. Of course, UAV require operational support and maintenance and may experience weather limitations.
- Active sonar signal processing is also improving and new processors can discriminate and track marine mammals "pretty well" from SQS-53C data, though the state-of-the-art for purpose-built "whale detection" sonars is probably about 1 nautical mile (2000 yards), which might not be enough for a large, fast vessel.

In May, I discussed active acoustic sensors with Dr. Lammers and Dr. Whitlow Au of HIMB. Dr. Au was quite enthusiastic about the Australian-made 3-D sonar system called “FarSounder”. I found information on the system at the following website:

www.sea-image.com/farsounder1.htm

Attachment 6

Hawaiian Islands Humpback Whale National Marine Sanctuary Maui County Report to the Sanctuary Advisory Council

May 18, 2006

Events Attended:

March 23 – Marsha L. Green, Ph.D. spoke on “Effects of underwater noise on marine mammals and fish” at the Ocean Discovery Center. Information was presented on increased noise pollution in the oceans, including intense noise from commercial air guns used for oil and gas exploration, underwater explosives, shipping traffic and low frequency active sonar (LFAS). Some of these sounds can travel five times faster in water than air, and over distances as far as 2000 miles. Dr. Green stated that noise pollution may interfere with whale song and other communication and is being found to play a role in whale and other marine life’s deaths and displacement.

May 2-4 – the Native Hawaiian Hospitality Assn. tourism conference *Shaping the Future - Building Bridges* provided an opportunity for Hawaiians and other stakeholders to examine the impacts of tourism on local communities and lifestyle. One message from the conference was that all organizations interfacing with visitors can help perpetuate our host culture and define our sense of place by sharing authentic information about Hawaii. In a marketing session focused upon the myriad ways in which Hawaii is misrepresented by commercial media, participants were asked to consider taking the name “Hawaii” from Hawaiian Airlines; what remains is “an Airlines” – very generic. So businesses and organizations using Hawaii in their name should honor this place and culture that they are named after. Interesting to reflect upon ‘An Islands Humpback Whale National Marine Sanctuary’ from this perspective.

May 11 – the 2006 *International Cultural Summit* sponsored by the SFCA on Oahu featured a keynote by National Geographic explorer-in-residence/anthropologist Wade Davis who conveyed that the global extinction of human languages and cultures exceeds the plight of endangered species. In an afternoon session DLNR chair Peter Young presented information on the Northwestern Hawaiian Islands and shared his enthusiastic efforts to have them designated a world heritage site by UNESCO. Following an application and nomination this would require a two year review by the UN before being designated. Mr. Young also announced that the state is looking at reopening the area to tourism on Midway Island and is considering visits by cruise ships to Midway.

Hot Topics:

Letters appearing in the Maui News on March 15, 2006 reflecting public concerns about whale watching in Sanctuary waters were forwarded to the SAC by Richard Fairclo and are attached to this report. Mr. Fairclo summarized the comments: outrage that tour boats carrying over one million people a year can and do harm endangered whales; why boats do not use jet propulsion similar to that used to protect Florida's manatees; why sewage is dumped into the whale nursery; and why these activities that appear to be in violation of the Endangered Species Act are not prohibited by the Whale Sanctuary - where is the enforcement? * see comment below

A public forum on Hawaii's proposed Superferry was held at the Ocean Discovery Center on

March 30 with a panel discussion from representatives on all sides of the issues. Maui Environmental Coordinator Rob Parsons reported that this drew a full house including 3 political candidates, 3 newspapers and 3 videographers. Discussion was organized and informative, and he said the conclusion was: the more you know about how this has been developed and fast-tracked, the more you can see that it has huge possibilities for negative impacts or even total failure.

Ma'alaea Harbor Pump Out Program continues to benefit more operators thanks to the \$160,000 in funds secured to cover interim pump-out costs of commercial vessels, and the ongoing campaign by the Pump Don't Dump group. Their email this week announced: "While we estimate that 75% of people departing from this harbor are now on boats that state they are pumping out sewage into dockside pumper trucks, there remain eight boats that continue to dump into the Whale Sanctuary waters off our Maui coast. We have scheduled our next informational demonstration for Saturday, May 20 at 6:30 AM at Maalaea Harbor."

*Added comment from the Maui SAC representative: 1) Following the talk on noise pollution a woman told me she has started a lobbying effort to create a Sanctuary within the Sanctuary.

2) Dr. Green mentioned that the Stellwagen Banks NMS has Whale Watching Guidelines (online) that include protective speed recommendations of 13 knots when in sight of whales two to one miles away; 10 knots at one mile to ½ mile away, and 7 knots at a distance less than ½ mile. Review of this site prompted a search for comparable whale watching information on the HIHWNMS website. While links to whale watching guidelines for the Pacific Islands were found, it appears that the individual Sanctuaries may vary in their speed recommendations and guidelines.

Attachment 7

May 18, 2006

To: The Sanctuary Advisory Council of the Hawaiian Islands Humpback Whale National Marine Sanctuary

From: The Conservation Committee of the SAC, Lou Herman, Chair

Re: Ship strike mitigation measures

The following report and recommendations for ship strike mitigation measures were prepared and circulated to members of the Research and Conservation Committees on March 16th 2006 with a request for comments, edits, or changes. None were received. Thus, the following is presented to the SAC as a whole for its approval. Given approval, the report and recommendations should be presented to the Sanctuary co-managers.

In a telephone conference of March 9, 2006, the Research and Conservation Committees of the Sanctuary Advisory Council met jointly and considered further mitigation measures for whale avoidance by large, high-speed craft, including the Hawaii Superferry. It was concluded that a civilian operational forward-looking whale detection sonar with a detection range of at least 1000 meters that could be deployed on vessels traveling at high speeds (ca 25 knots or greater) does not seem to be currently available. The technical difficulties of developing such a sonar device, especially for whales or calves near the surface, was recognized, and is illustrated by the apparent difficulties in developing such sonars for detecting the highly endangered North Atlantic right whale. Nonetheless, it was recommended that research into the development of such a sonar capability by the commercial sector be encouraged as a significant contribution to whale conservation and protection. Avenues for funding such development might be available through the companies themselves, or possibly through government, corporate or private sources.

The Committees also recommended that other mitigation measures continue to be explored, including observer networks. It was noted that an observer network, called the Right Whale Sighting Advisory System, is currently operational in the North Atlantic to alert boat traffic to the location of right whales. Information on sightings is relayed to the Coast Guard, commercial shipping, and other marine traffic from aerial and shipboard surveys and from various opportunistic sightings. NMFS conducts regular aerial surveys, as do some NGOs. The area covered is much more extensive than the areas of particular concern for humpbacks in Hawaii—the Kalohi, Auau and Pailolo channels. Implementation of an observer network could be effected for those waters, or portions of them, to alert boating traffic transiting through those areas at higher speeds. Historically, a voluntary observer group located on McGregor Point was used in the late 1970s to advise the high-speed Sea Flite ferry of whales sighted along its planned path into Maalaea Harbor from east Lanai. Reportedly, the sighting advice was a valuable addition to Sea Flite's whale avoidance measures. Implementation of an observer

network today, voluntary, governmental, or commercial, or in combination, could be effective and is recommended.

Attachment 8

Joint Research and Conservation Committees Position on Proposed Spinner Dolphin Rulemaking.

Hawaii's free-ranging dolphin populations are increasingly becoming an important component of the State's marine tourism industry. Unlike humpback whales, which are present during only a part of the year, many dolphin species can be found in Hawaiian waters year-round. As a result, commercial tour operators state-wide have found a profitable market in taking tourists to see these acrobatic animals, particularly during months when whale-watching is not possible. Public interest in dolphin-watching as a pastime, novelty, or hobby has also increased considerably over the past several years. Swimming and kayaking with dolphins is particularly popular with both visitors and residents alike, and presently takes place on all the major islands.

Of the approximately 16 species of odontocete cetaceans known to regularly occur in Hawaiian waters, spinner dolphins are by far the species most often targeted by both commercial operators and the curious public. This is because, more than any other species, spinner dolphins tend to occur very predictably in Hawaii's coastal waters. Spinners forage almost exclusively at night and seek protected stretches of coastline during the day in order to rest. This behavioral pattern often brings them within a short swim, paddle, or boat ride from the shore, making them an attraction for many people.

Unlike the endangered humpback whales, which receive extensive legal protection at both the State and Federal levels, Hawaii's dolphin populations are presently managed primarily through approach guidelines and legal measures that are often difficult to enforce and/or open to interpretation. As a result, local populations of spinner dolphins come into close contact with humans on an almost daily basis throughout the State. This has become cause for concern because most of the contact takes place during periods when dolphins are engaged in resting behaviors, which are believed essential to their ability to maintain positive energy budgets and prepare for their nocturnal foraging activities. The long-term impacts of such chronic interactions is still only poorly understood, but scientific evidence does suggest that changes in their residence patterns in certain Hawaiian bays, such as Kealahou Bay on the Big Island, have taken place in recent years as a result of extensive human encroachment.

The Hawaiian Island Humpback Whale National Marine Sanctuary's Advisory Council (SAC) recognizes that Hawaii's spinner dolphins hold both an economic and intrinsic value as a precious natural resource for the State of Hawaii. Consequently, the SAC is in broad agreement that Hawaiian spinner dolphins should be enjoyed in a sustainable manner and conserved to ensure their continued occurrence along Hawaii's coastlines. Further, the SAC recognizes that existing legal measures protecting dolphins in general do not appear adequate for managing spinner dolphins, which exhibit unique

behavioral patterns that make them more susceptible to human contact than other species of dolphins. Therefore, the SAC supports efforts by the National Marine Fisheries Service (NMFS) to codify rules that would pertain specifically to approaching and interacting with spinner dolphins in Hawaiian waters. The SAC is not prepared to make specific recommendations on what management measures should be taken, but does recommend that NMFS formulate enforceable rules that carry legal consequences for violators. Finally, the SAC encourages NMFS to consult with researchers, local interest groups, and State officials while formulating its management measures to ensure broad support and compliance with any new rules.

Attachment 9

Aquaculture Working Group Meeting

May 18, 2006, 8:30am

Meeting Notes

The working group provided the following recommendations to the Sanctuary Advisory Council:

- Research
 - NOAA should support research on humpback whale impacts in Hawaii from open ocean cage culture.
 - Conduct research before and during projects to get a baseline before a project begins (funded by applicant?) to assess baseline abundance/distribution and habitat value and suitability.
 - NOAA/DLNR should study impacts of existing projects—use as much existing information/data as possible. Studies should include other environmental parameters including water quality.
- Permitting
 - Future permit conditions should include research/monitoring recommendations
 - Permit monitoring/research should include impacts on other marine mammals, protected species population distribution, abundance, and other key parameters.
- Recommendation Parameters
 - Recommendations apply in Sanctuary and outside?
 - Recommendations apply to existing and future projects, expansions, etc.
 - Impact Study Results should be reviewed by qualified “independent” scientists (NOAA, PIRO, NGO’s, SAC, etc.)
 - Recommendations should consider Native Hawaiian traditions and practices in aquaculture development as alternatives to open ocean cage cultures and to gain other ecological and social insights
 - Management should carefully consider long-term implications of restricting activities in Sanctuary waters.